

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 14 June 2001 (14.06.01)	
International application No. PCT/GB00/03718	Applicant's or agent's file reference P702774PCT/DRC/SAC
International filing date (day/month/year) 28 September 2000 (28.09.00)	Priority date (day/month/year) 29 September 1999 (29.09.99)
Applicant MEPHAM, Shaun, Ewan et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 05 April 2001 (05.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Zakaria EL KHODARY Telephone No.: (41-22) 338.83.38
---	--

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 12 DEC 2001

WIPO

Applicant's or agent's file reference ---	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/03718	International filing date (day/month/year) 28/09/2000	Priority date (day/month/year) 29/09/1999
International Patent Classification (IPC) or national classification and IPC F16H61/30		
Applicant PRODRIVE 2000 LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05/04/2001	Date of completion of this report 10.12.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer H. KNOESEL Telephone No. +49 89 2399 8916 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/03718

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-11 as originally filed

Claims, No.:

1-20 as originally filed

Drawings, sheets:

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/03718

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims
	No: Claims 1,10
Inventive step (IS)	Yes: Claims
	No: Claims 2-9,11-20
Industrial applicability (IA)	Yes: Claims 1-20
	No: Claims

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

Re Item V : Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Documents cited in the International Search Report:
D1: US-A-5 722 297 (MEYER ROLAND ET AL) 3 March 1998 (1998-03-03)
D2: EP-A-0 803 651 (MAGNETI MARELLI SPA) 29 October 1997 (1997-10-29)
D3: GB-A-1 399 370 (FORD MOTOR CO) 2 July 1975 (1975-07-02)
2. The technical expressions used in independent claim 1 and 10, respectively, of the pending application concerned with a gear change mechanism for a gear box in which changes of gear ratios in the gear box are made mechanically in response to actuating signals are presented in such general technical terms that the subject-matter of both independent claims part does obviously not meet the requirement of novelty.

The closest prior art is represented by, for instance, **D1**. The attention is especially drawn to the introductory part on column 1, line 29 to column 3 line 24 of D1 and to Figure 3 in combination with the details of the actuator shown in figures 1 and 2.

As it is well-known, two actuators 33,34 are provided, one of which is responsive to rotate a gear change selector 36 and the other one to axially move said gear change selector 36. The simple figures 1 and 2 and the associated part of the description make immediately clear that the known actuators are operated by use of pressure fluid.

Thus the present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claims 1 and 10 defined in such broad and vague terms is not new.

3. All dependent claims are appended to independent claims which do not meet the requirements of the PCT and as a consequence they are likewise not allowable, at least for formal reasons. It should be noted that most of the features of these dependent claims are derivable from the relevant prior art as indicated in the search report.

Consequently, the subject-matter of all dependent claims does not appear to provide an inventive step.

4. The industrial applicability is doubtless given.

Re Item VII: Certain defects in the international application

5. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
6. Documents reflecting the prior art are not identified in the description (Rule 5.1(a)(ii) PCT).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P702774PCT/DRC/SAC	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 03718	International filing date (day/month/year) 28/09/2000	(Earliest) Priority Date (day/month/year) 29/09/1999
Applicant PRODRIVE 2000 LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1, 2

☐ None of the figures.

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A gear change mechanism is provided which is intended for a gearbox in which changes of the gear ratio in the gearbox are made mechanically in response to actuating signals. The mechanical movements required are as for a conventional gearbox having a H type pattern. A gearbox selector (20) is mounted for movement about an axis and in the direction of the axis. The selector is operable by two actuators (16) and (18), one (16) to move the selector about its axis and the other (18) to move it in the axial direction. Each actuator can be similar having a cylinder and a shaft and annular pistons located about the shaft. For the rotational movement of the selector three positions are required, a neutral, a gear engaged position in one direction and a gear engaged position in the other direction. For movements in the direction of the axis two, three or four positions are required depending upon whether it is a two, three or four rail gearbox. An actuator is proposed which is capable of three, four, or more, positions of movement.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 00/03718

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 F16H61/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 F16H

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 722 297 A (MEYER ROLAND ET AL) 3 March 1998 (1998-03-03)	1-4, 10, 16
Y	column 1, line 29 - column 3, line 24	5, 8, 9, 11, 17-20
A	column 4, line 34 - line 35; figures 1A-2D, 18, 20	6, 7, 12-15
Y	EP 0 803 651 A (MAGNETI MARELLI SPA) 29 October 1997 (1997-10-29)	5, 8, 9, 11, 17-20
X	GB 1 399 370 A (FORD MOTOR CO) 2 July 1975 (1975-07-02)	1-4, 10, 16
A	the whole document	5-9, 11-15, 17-20

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

5 January 2001

Date of mailing of the international search report

15/01/2001

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Daehnhardt, A

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/JP 00/03718

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5722297	A	03-03-1998	DE 19507705 A EP 0731297 A	05-09-1996 11-09-1996
EP 0803651	A	29-10-1997	IT T0960335 A BR 9700610 A DE 69702733 D ES 2149527 T US 5816131 A	27-10-1997 03-11-1998 14-09-2000 01-11-2000 06-10-1998
GB 1399370	A	02-07-1975	GB 1399369 A DE 2341199 A	02-07-1975 21-03-1974